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May 8, 2020

**Via ECF**

Honorable Victor Marrero  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *United States v. Christopher Reese*  
Case No. 12-cr-629 (VM)

Dear Judge Marrero:

Christopher Reese respectfully requests that this Court reconsider its briefing order, ECF No. 282, and instead set an expedited briefing schedule for his renewed motion seeking compassionate release in light of the COVID-19 pandemic. He proposes that the Government be required to respond to his motion by the end of Friday, May 15, and that he be given until the end of Monday, May 18 for his reply (if any). This is less strict than the briefing schedules set by other judges in this district in response to the exigencies of this unprecedented public health crisis.<sup>1</sup>

Although the COVID-19 pandemic has not yet reached FCI Allenwood Low, the prison where Christopher Reese is incarcerated, it is only a matter of time. And once it does, it will spread rapidly—"[p]risons are tinderboxes for infectious disease." *United States v. Rodriguez*, No. 2:03-CR-00271-AB-1, 2020 WL 1627331, at \*1 (E.D. Pa. Apr. 1, 2020). The number of confirmed cases of COVID-19 among BOP inmates has more than quadrupled in the past 15 days, and it will continue to rise.

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<sup>1</sup> See, e.g., *United States v. Pena*, 15-cr-551, ECF No. 335 (S.D.N.Y. Apr. 30, 2020) (Nathan, J.) (giving the Government four days to respond); *United States v. Josephberg*, 18-cr-650, ECF No. 98 (S.D.N.Y. Apr. 7., 2020) (Sullivan, Circuit Judge) (three days to respond); *United States v. Park*, 16-cr-473, ECF No. 58 (S.D.N.Y. Apr. 3, 2020) (Abrams, J.) (three days to respond); *United States v. Haney*, 19-cr-541 (S.D.N.Y. Mar. 30, 2020) (Rakoff, J.) (six days to respond).

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Mr. Reese is among those most vulnerable to severe illness or death if he were to contract COVID-19, as determined by the CDC. As documented by BOP medical records, attached to the motion, he suffers from asthma, hypertension, diabetes, and heart failure. Waiting for a confirmed case of COVID-19 at his facility before expediting this case runs the risk of catastrophic health consequences. He therefore respectfully requests that this Court reconsider the briefing schedule. *Cf. Washington v. Barr*, 925 F.3d 109, 120 (2d Cir. 2019) (“[U]ndue delay, if it in fact results in catastrophic health consequences, could make exhaustion futile.”).

Respectfully submitted,

/s/

Matthew A. Wasserman

cc: AUSA Samuel Rothschild (by ECF)

